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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,283	11/17/2000	Kenya Uomori	0819.458	5525

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EXAMINER	
GOOD JOHNSON, MOTILEWA	
ART UNIT	**PAPER NUMBER**
2672	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/714,283	UOMORI ET AL.	
	Examiner	Art Unit	
	Motilewa A. Good-Johnson	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18 and 21-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18 and 21-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *07/23/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is responsive to the following communications: Application, filed 11/17/2000; IDS, paper #3, filed 06/24/2002IDS, paper #9, filed 06/25/2003; IDS, paper #10, filed 09/02/2003; Amendment A, filed 08/21/2003; Amendment B, filed 03/15/2004.

This action is made final.

2. Claims 1-18 and 21-23 are pending in this application.

3. The present title of this application is "Image Processor, Method of Providing Image Processing Services and Order Processing Method" (as originally filed).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6, 9-18 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamada et al., U.S. Patent Number 5,331,419 "Size Display System for Electronic Camera", class 348/64, 07/1994.

Regarding claim 1, Yamada discloses an image processor comprising: a display which presents an image of an object thereon; (figures 1, 5, 8 and 13, col. 3, lines 9-11)

and an image synthesizer (col. 4, lines 21) which generates a scale image, (col. 4, lines 55-61) representing a substantially real size, (col. 3, lines 10-13) at a position specified on the image presented on the display (col. 4, lines 21-26) in accordance with three-dimensional positional information of the object and for combining the scale image with the image of the object, (col. 6, lines 29-44) wherein a synthesized image, obtained by combining the scale image with the object image, is presented on the display. (col. 6, lines 40-43, figures 1 and 8)

Regarding claim 2, Yamada discloses an imaging section which captures the object image containing the three-dimensional positional information; (col. 6, lines 27-31) and a range image generator (col. 5, lines 41-46) which draws the three-dimensional positional information from the image captured by the imaging section, wherein the image synthesizer generates the scale image in accordance with the three-dimensional positional information obtained by the range image generator. (col. 17, lines 30-57)

Regarding claim 3, Yamada discloses imaging section comprises a light-emitting device that projects light with a predetermined radiation pattern on the object and captures the object image containing the three-dimensional positional information by receiving part of the light that has been projected onto, and then reflected from, the object. (col. 27, lines 13-17)

Regarding claim 4, Yamada discloses an imaging section having an automation or manual focusing controller, (col. 22, line 5) wherein the image synthesizer generates the scale image by using data, which represents a distance of the object and is obtained

by the automatic or manual focusing controller, as the three-dimensional positional information. (col. 17, lines 48-57)

Regarding claim 5, Yamada discloses the scale image represents a shape of a ruler. (figures 1, 5 and 8, col. 24, lines 49-51)

Regarding claim 6, Yamada discloses an input device that is so constructed as to allow a user to externally input the specified position. (col. 18, lines 49-53)

Regarding claim 9, Yamada discloses an input device is a cursor key, mouse or press button that allows the user to move a cursor presented on the display and to specify coordinates of the cursor. (col. 27, lines 64-68)

Regarding claims 10 and 13, they are rejected based upon similar rational as above claims 1 and 2 respectively.

Regarding claim 11, Yamada discloses image synthesizer combines the image of one of the objects . . . with another background image. (col. 25, lines 52-63)

Regarding claim 12, Yamada discloses image synthesizer cuts out an image portion, which is made up of pixels at respective locations . . . as the separated object image . . . (col. 23, lines 5-21)

Regarding claims 14 and 15, they are rejected based upon similar rational as above claims 3 and 4.

Regarding claim 16, Yamada discloses image synthesizer is so constructed as to upscale, downscale or rotate at least one of the images. (col. 28, lines 50-68)

Regarding 17, Yamada discloses a processor . . . constructed as to allow a user to externally defined or change relative positions of the images being combined. (col. 28, lines 9-30)

Regarding claim 18, Yamada discloses an image processor comprising: a display (col. 18, line 46) for presenting an image of an object thereon and an image synthesizer (col. 22, line 48) for generating an image, representing the object substantially in its real size when presented on the display, (col. 3, lines 8-13) by scaling the image up or down in accordance with three-dimensional positional information . . . (col. 25, line 67 – col. 26, line 4, col. 28, line 66 – col. 29, line 6)

Regarding claims 21 and 22, the image synthesizer calculates the real size of the object based on the image of the object. (col. 4, lines 25-31)

Regarding claim 23, it is rejected based upon similar rational as independent claim 1. Yamada further discloses a number of images (col. 12, line 5-15) and further discloses calculating a scale in which objects are under in-focus condition (col. 15, line 47-64)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al.

Regarding claims 7 and 8, it is noted that Yamada fails to disclose input device is a touch panel formed on the surface of the display, pen like point device to allow the user to specify arbitrary coordinates on the surface.

Yamada discloses entry means connected to a CPU for inputting scale factor information to specify a screen scale factor relative to the object and other purposes, col. 27, lines 64-68.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include touch panel and pen like point device, in the entry means disclosed in Yamada, to allow other types of input to be received for the necessary reproduction and scale information, because CPU's are known as having various input components.

Response to Arguments

5. Applicant's arguments filed 08/23/2004 have been fully considered but they are not persuasive.

Applicant argues that Yamada fails to disclose the synthesis means generates a scale image in accordance with the three-dimensional information. Yamada discloses detecting a first object on a first plane and detecting a second object on a second position relative to a second plane and obtaining from the measured information the actual size of the objects in relation to one another. It is the Examiner's position that any image generated of an object in real size would include three-dimensional

parameters, because objects of the real world include two and three-dimensional information. Furthermore Yamada discloses the scale outputs the size display corresponding to dimensional of the object and therefore if the object displayed is a three-dimensional object, including distance information, width, and depth, col. 15, line 41- col. 16, line 5.

Applicant argues that Yamada fails to disclose utilizing the image synthesizer for combining images of multiple objects together and obtaining position information form the object. Yamada discloses two objects captured in the same visual field the size between the two measure points on the objects and scale data is calculated, col. 25, lines 36-47.

Applicant further argues that the object images are scaled up or down. It is the position of the Examiner that it is well known in the art that in scaling the relationship of the objects determines whether to scale up or down, and therefore the scaling of Yamada would include scale factors of up and down.

Applicant argues that Yamada fails to disclose three-dimensional positional information from the image of the object. Yamada discloses size information as a base for size display pattern, i.e. a scale, corresponding to an image, col. 16, lines 48-59. It is therefore the interpretation of the Examiner, that Yamada discloses obtaining positional information, i.e. size information, for the obtaining the scale information.

Applicant argues that Yamada fails to disclose alignment points specified at the respective images coincide with each other in three-dimensional position to have the

same focal length. Yamada discloses tow positions, P and Q, aligned in the same focal length specified in the respective images, figure 12.

Finally, Applicant argues that Yamada fails to disclose a range image generator and further light-emitting device that projects light with a predetermined radiation pattern onto the object and captures the object image. Yamada discloses an electronic camera, with image sensor and auto focus, which Examiner interprets as a range image generator, and Examiner further interprets as a light-emitting device that projects light, i.e. a flash, with a predetermined radiation pattern onto the object and captures the object image.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is (703) 305-3939. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Motilewa A. Good-Johnson
Examiner
Art Unit 2672

Mgj
December 30, 2004

MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600